

REMARKS

In the foregoing amendments, claims 2, 6, and 9 were amended to further define a data processing device that processes data concerning a construction site into data suited for people in the neighborhood of the construction site. This structure is described in applicant's specification disclosure from page 2, line 24, through page 3, line 8; page 78, lines 18-24; page 79, lines 5-10; page 82, lines 13-18; and elsewhere. In addition, claims 10 and 11 were added to the application. Accordingly, claims 2-11 are presented for consideration by the examiner.

Applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal. The outstanding Office action set forth a new basis for rejection where newly cited teachings were applied against applicant's claims. Accordingly, prior to the filing of this response, applicant did not have an opportunity to respond to these new positions in the outstanding Office action. In addition, it is believed that the foregoing amendments to applicant's claims place the application in condition for allowance.

Therefore, applicant respectfully requests that the foregoing amendments be entered under the provisions of 37 C.F.R. § 1.116(b) for the purposes of placing the application in condition for allowance or for the purposes of appeal.

The Official action set forth a rejection of claims 2-3 and 6-7 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent No. 6,643,582 of Adachi *et al.* (Adachi). The statement of this rejection is set forth in section 2 on pages 2 and 3 of the Official action. Claims 4 and 8 were rejected under 35 U.S.C § 103(a) as being unpatentable over Adachi as applied to claims 2 and 6 in view of U.S. patent No. 6,041,657 of Sutherland. The statement of this rejection is set forth in the first complete paragraph on page 4 of the Official action. Claims 5 and 6 were rejected under 35 U.S.C § 103(a) as being unpatentable over Adachi as applied to claims 2 and 6 in view of U.S. patent No. 4,845,629 of Murga. The statement of this rejection spans pages 4 and 5 in the Office action.

Applicant respectfully submits that the teachings of Adachi either alone or together with those of Sutherland and Murga do not disclose or suggest the invention as set forth in claims 2-11 within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103. For example, none of these teachings contemplate or suggest, *inter alia*, the data processing device as required in the present claims.

The teachings of Adachi propose a display device that is arranged inside a construction machine for use by an operator of the construction machine, such as for confirming work performance results. On the other hand, the display device of applicant's claims is arranged within the construction machine so that the display screen faces toward an outside of the construction machine (i.e., does not face the construction machine), so that people in the

neighborhood of the construction of site, such as residents living around the construction site, can be provided with information about the construction site including work schedule, noise level, and toxic substance concentrations in the construction site by reading the display screen.

In the presently claimed invention, the data concerning the construction site (i.e., data in a work process chart that sets forth a work scheduled for completion and work performance results) for viewing and confirmation by the operator of the construction site is processed into data that is suitable for viewing by people in the neighborhood of the construction site. In contrast thereto in the device proposed by Adachi, the data in a work process chart that is to be displayed is dedicated to information associated with the operator of the construction machine. Therefore, applicant respectfully submits that the teachings of Adachi are concerned with displaying information of a different character for a different class of people and, therefore, these teachings could not motivate one of ordinary skill in the art to the structure set forth in the present claims including the data processing device for displaying information for non-construction personnel (i.e., lay people).

Since the display device proposed by Adachi is dedicated to information associated with the operator of the construction site; environmental data, such as noise levels and toxic substance concentrations are not included in the data displayed on the display device proposed Adachi. However, this data is necessary for the comfort and safety of people in the neighborhood of the

construction site. In other words, the data necessary for the operator of the construction machine or construction site provides a different function than the data necessary for the comfort and safety of people in the neighborhood of the construction site. Therefore, the display of operator information proposed by Adachi could not motivate one of ordinary skill in the art to the display of data necessary for the comfort and safety of people in the neighborhood of the construction site, as required in the present claims. For such reasons, applicant respectfully submits that the present claims including a display device that displays data concerning the construction site that is processed by the data processing device, which receives data from the data retrieving device and converts this data into data suitable for people in the neighborhood of the construction site, is patently distinguishable from the teachings of Adachi.

The teachings of Sutherland and Murga do not cure or rectify the deficiencies in the teachings of Adachi. In particular, none of these three teachings contemplate or suggest a data processing device that processes data received by the data retrieving device into data suitable for lay people in the neighborhood of the construction site, which is displayed on a data display screen that is arranged to face toward an outside of at least one of the construction machines, and which displays the data concerning the construction site that is processed by the data processing device so as to be readable from the outside of the construction machine, as required in all of applicant's claims. Similarly, none of Adachi, Sutherland, and Murga remotely

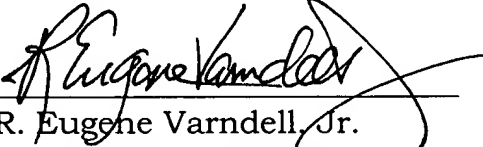
contemplate or suggest conveying information on the data display screen concerning noise level data, toxic substance concentrations, and measuring instruments associated therewith, as required in present claims 8 and 9. Furthermore, none of Adachi, Sutherland, and Murga remotely contemplate or suggest an additional operator display device for use by an operator provided in an operator room of the construction machine, where the operator display device displays the data in the work process chart that is retrieved from the memory device by the data retrieving device, but which is not processed by the data processing device, as required in present claims 10 and 11.

Based on the above, applicant respectfully requests that the examiner reconsider and withdraw the prior art rejections of applicant's claimed invention based on the teachings of Adachi, either alone or taken together with Sutherland or Murga.

In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 2-11 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC

A handwritten signature in black ink, appearing to read "R. Eugene Varndell, Jr.", is written over a horizontal line.

R. Eugene Varndell, Jr.
Attorney for Applicant
Registration No. 29,728

Atty. Case No. VX012373
106-A S. Columbus Street
Alexandria, Virginia 22314
(703) 683-9730

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